

## Office of Professional Accountability (OPA) Commendations & Complaints Report May 2005

### Commendations:

Commendation Received in May: 41

Commendations Received to Date: 181

Rank	Summary
(3) Officers	Three officers were thanked for their exemplary job and outstanding investigation, and commended for their pursuit of multiple and violent juvenile suspects involved in a crime spree of robberies.
(1) Officer	An officer was commended for his helpful, courteous and professional manner while investigating a car prowler.
(1) Detective	A note of appreciation was received by a detective for his training on the recruitment, retention and investigative development of confidential informants.
(1) Lieutenant	A lieutenant was thanked for his professionalism and willingness to assist in teaching at an Anti-Terrorism training seminar.
(6) Officers	Six officers were thanked for their involvement with a middle school. Their service, professionalism and assistance are of the highest quality.
(1) Lieutenant (2) Officers	A note of thanks was received by a lieutenant and two officers for their prompt attention and follow-up of an aggressive panhandler.
(1) PEO	A letter of appreciation was received by a PEO thanking him for his diligent work. On behalf of a number of business owners, who are negatively affected by a number of illegally parked cars in an area, he was thanked for the incredible difference he has made.
(1) Officer	An officer was thanked for her investigation on a traffic incident. She was professional, thorough, attentive, assertive and kind.
(1) Sergeant (1) Detective	A sergeant and a detective were commended on their presentation on missing adults and their families. The participants were left with an increased commitment to effectively manage the complexity of missing adult cases.
(1) Detective	A detective received a thank you note for her presentation on identity theft. She did an excellent job on the precautions one should take.
(1) Civilian	A civilian received a commendation for his assistance with a neighborhood. The information he gathered for officers helped to improve problems and left an exceptional impression on the citizens of the area.
(2) Officers	A note of thanks was received by two officers from a boy scout group. The officers were patient and kind and held the interest of the scouts.
(1) Detective	A detective was thanked for his participation at the Crime Victims Awareness Day. His speech made the public more aware of the program and made the day a great success.
(3) Officers	Wonderful comments were received by three officers for their visit to a retirement center. They represented the department in a very professional way and personal level.
(1) Detective (1) Officer	A letter of appreciation was received by an officer and detective for their efforts and support of a youth and fitness program. Their involvement in youth activities have helped to develop positive social and leadership skills.
(2) Sergeants (3) Officers	Two sergeants and three officers received a letter commending them for their actions and response to a suspicious man in a Seattle neighborhood. Their professionalism, bravery and patience were greatly appreciated.
(1) Officer	A note of thanks was received by an officer for the assistance he offered to a senior citizen couple.
(1) Officer	An officer received a letter of appreciation for her personal attention, help in

	following up on leads and information she relayed to parents during a family crisis.
(1) Officer	A letter of thanks was received by an officer for his professionalism, courtesy and the efficient manner which he displayed while issuing a traffic citation.
(1) Officer	An officer received a letter commending her kind, comforting and genuine spirit dealing with an injured dog that had been hit by a moving vehicle. The neighbors in the area have all been touched by the officer's professional and caring traits.
(1) Officer	A commendation was received by an officer for his great job in recovering a hit-and-run vehicle and suspect.
(1) Sergeant (1) Officer	A note of thanks was received by a sergeant and an officer for their help and support in changing a flat tire near a busy bridge during the morning commute.

\*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

## May 2005 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that a named employee used unnecessary force during the arrest of his father. It was further alleged that another named employee did not utilize language translation services in order to thoroughly investigate the disturbance/assault call.	The evidence indicated that the named employee used a "goose neck" escort hold on the subject and that the subject hit his head on a door while being escorted out. The subject had not resisted, and was in custody at the time of the hold was used when the contact with the door or wall occurred. The evidence was in conflict as to whether the application of this hold to the subject was necessary. Finding Unnecessary Force – NOT-SUSTAINED.  The evidence was inconclusive as to whether use of the language line was required in this situation. There was evidence to indicate that the employee was insensitive to the language issue and that his frustration and impatience influenced his decision to arrest, but the employee provided a legitimate explanation for his actions. Finding CUBO – NOT-SUSTAINED.
Complainant alleged the named employee needlessly pushed the subject away from him.	The named employee was in uniform but off duty when he encountered the complainant in a public place. The officer stated that the complainant was standing uncomfortably close to his gun and would not move after being asked. The complainant stated that he did nothing to provoke the reaction by the officer. The officer moved the complainant away to a nearby sidewalk. The officer articulated a need for this action, but there were better, less confrontational options available. Finding – SUPERVISORY INTERVENTION.
Complainant alleged that named employees used unnecessary	The investigation showed that the officers did use some force in taking the complainant to the ground. The officers

force when they knocked the complainant to the ground and choked him during a warrant arrest.	had prior knowledge of the complainant's combative history, including being armed with a knife, and he was not cooperating with them during their contact. The force used was minimal and the complainant was not injured. The force was documented, screened, and reported. Finding – EXONERATED.
Complainant alleged that named employee slammed him against a wall when the officer contacted the complainant for slapping the officer's plain vehicle to get the driver's attention. The complainant also alleged that the named employee yelled at him rudely.	The named employee contacted the complainant when he slapped the plain vehicle the named employee was driving. The investigation showed that the named employee followed the complainant into an office building, grabbed him, yelled at him, and pushed him into a wall. Finding CUBO – SUSTAINED. Finding Unnecessary Force – SUSTAINED.

**CONDUCT UNBECOMING AN OFFICER**

Synopsis	Action Taken
The complainant alleged that the named employee used profanity and racial slurs to provoke her nephew into fighting with the police.	The named officer stopped the subject to investigate a man with a gun call. The complainant had no first-hand knowledge of the events, and the nephew did not respond to requests for contact. The complainant did not provide written statements she had promised. The OPA investigators did eventually make contact with the subject when they went looking for the aunt at her residence. The nephew gave a statement that did not mention that the officers used profanity or racial slurs. Finding – UNFOUNDED.
Complainant alleged the named employee made an abusive comment when the complainant attempted to open his door during a traffic stop.	The named employee stated that he could not recall the complainant opening his door, and denied using profanity or making an inappropriate comment. An officer witness did recall the complainant opening his car door and being asked not to do it again, but states that the named employee did not threaten, curse, or use profanity. The driver was released with a warning. Finding – NOT-SUSTAINED.
Complainant alleged that named employee used unnecessary force when he pushed a television camera away.	The named employee was supervising a squad of officers during an event. At the time of the incident, the named employee was conversing with a protester when a television camera was pointed close to his face. The named employee pushed the camera away and said, "Get that camera out of my face." Even, if the action could be described as force, it was de minimus and certainly not a violation of Department's force policy. However, as a supervisor, the named employee should be counseled on ways to have handled the incident that would have reflected more favorably upon the Department. Finding CUBO – SUPERVISORY INTERVENTION

**OFF-DUTY EMPLOYMENT**

Synopsis	Action Taken
It was alleged that the named employee violated Department policy by working an off-duty RAVE party. Additionally, it was	The evidence was inconclusive as to whether the named employee worked at the location of a RAVE party which officers are prohibited from working. Finding – NOT-SUSTAINED.

alleged that when interviewed, the named employee gave misleading statements regarding his off-duty work at that location.	The evidence did not establish by preponderance that the employee made misleading or incomplete statements during the investigation. Finding –NOT SUSTAINED.
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**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

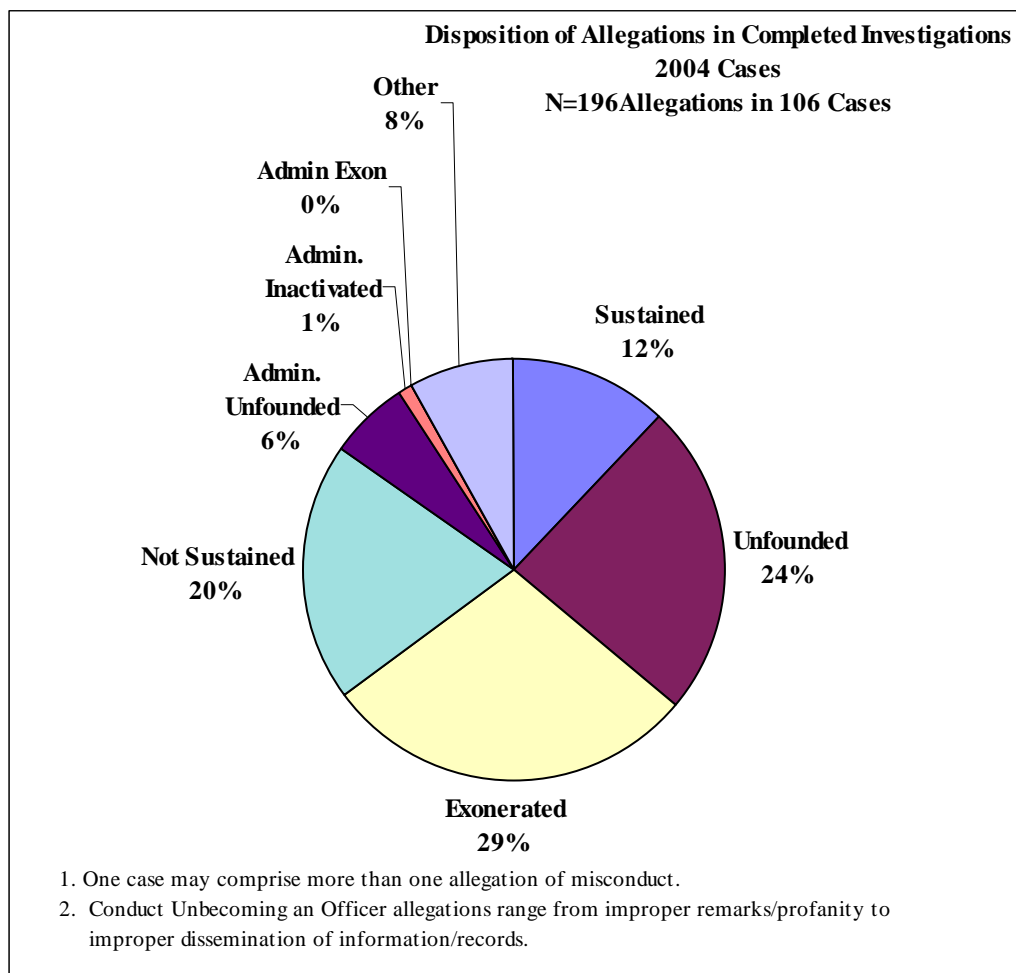
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date:

### 2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	9	106*
Commendations	41	702

\*includes 2004 cases closed in 2005



**2005 Contacts**

	<b>May 2005</b>	<b>Jan-Dec 2005</b>
Preliminary Investigation Reports	7	96
Cases Assigned for Supervisory Review	11	30
Cases Assigned for Investigation (IS;LI)	22	95
Commendations	41	181